

Karen A. Confoy
FOX ROTHSCHILD LLP
Princeton Pike Corporate Center
997 Lenox Drive, Building 3
Lawrenceville, NJ 08648-2311
Tel: 609-896-3600
Fax: 609-896-1469
Attorneys for Defendants
Merck Sharp & Dohme Corp. and Merck & Co., Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: FOSAMAX (ALENDRONATE
SODIUM): PRODUCTS LIABILITY
LITIGATION**

THIS DOCUMENT RELATES TO:

*Deborahanne Wicher as Executor of the
Estate of Helen H. Wicher v. Merck & Co.,
Inc. and Merck Sharp & Dohme, Corp.*

Civil Action No. 3:12-cv-00964

MDL No. 2243

Civ. Action. No. 08-08 (JAP)(LHG)

**NOTICE OF MOTION TO DISMISS
WITH PREJUDICE FOR FAILURE
TO PROVIDE COMPLETED
PLAINTIFF PROFILE FORM AND
AUTHORIZATIONS FOR RELEASE
OF MEDICAL RECORDS IN
VIOLATION OF CMO NO. 8**

To: Donald A. Ecklund
Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.
DEcklund@carellabyrne.com

James E. Cecchi
Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.
JCecchi@carellabyrne.com

David R. Buchanan
Seeger Weiss LLP
DBuchanan@seegerweiss.com

Theresa M. Walsh
Brown Chiari LLP
twalsh@brownchiari.com

PLEASE TAKE NOTICE that on December 1, 2014, the undersigned, attorneys for defendants Merck Sharp & Dohme Corp. and Merck & Co., Inc. ("Merck"), shall move before

the Honorable Joel A. Pisano, United States District Judge of the United States District Court in Trenton, New Jersey, for the dismissal with prejudice of the above-captioned case relating to Deborahanne Wicher as Executor of the Estate of Helen H. Wicher, Civil Action No. 3:12-cv-00964, for failure to provide completed Plaintiff Profile Form and Authorizations for the Release of Medical Records and other sources of information in violation of Case Management Order No. 8.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, Merck relies on the Memorandum of Law and the Declaration of Karen A. Confoy with annexed exhibits submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

Respectfully submitted,

Dated: November 4, 2014

FOX ROTHSCHILD LLP

Attorneys for Defendants Merck Sharp & Dohme Corp. and Merck & Co., Inc.

By: /s/ Karen A. Confoy
Karen A. Confoy
kconfoy@foxrothschild.com